

REMARKS

A. Regarding the Amendments

Claims 24 and 25 have been amended as set forth in the above complete listing of the claims. As amended, the claims are supported by the specification and the original claims. No claims have been added or canceled. Thus, upon entry of the amendments, claims 21-32 will remain pending.

B. Rejection Under 35 U.S.C. § 112

Applicants respectfully traverse the rejection of claims 24-32 under 35 U.S.C. § 112, first paragraph, as containing subject matter allegedly not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the invention at the time of filing of the Application. It is alleged in the Office Action mailed July 10, 2003 that claims 24-32 contain a step which is not supported by the specification. In particular the cooling step of claim 24 is alleged to be new matter.

Applicants respectfully disagree that the step of “feeding the homogenous solution into a vessel the temperature of which is preadjusted to a temperature for completion of crystallization to crystallize L-aspartic acid...” is not supported by the specification. The Examiner’s attention is respectfully drawn to the description at page 20, lines 19-24 where it is stated that the homogenous solution is fed “into a crystallization slurry vessel the temperature of which is preadjusted to a scheduled temperature... [for] the completion of crystallization...” The claim has been amended however, to clarify that the temperature in the vessel is preset to a temperature for crystallization.

Applicants respectfully submit that the language of claim 24 “cooling the homogenous solution by feeding the homogenous solution into a vessel, wherein the vessel is preadjusted to a temperature for completion of crystallization of L-aspartic acid” is supported by the specification,

as indicated. Therefore, claims 24-32 meet the written description requirement of 35 U.S.C. §112, first paragraph. Accordingly, removal of the rejection is requested.

Applicants respectfully traverse the rejection of claims 24-32 under 35 U.S.C. §112, second paragraph as allegedly indefinite for failing to point out and distinctly claim the subject matter of the invention. Specifically, the Examiner alleges that the language of claims 24 and 25 is vague, indefinite and confusing. Applicants respectfully disagree and allege that, as amended, the claims do not contain any vagueness, indefiniteness or confusion.

Though it is Applicants' assertion that claim 24 was definite, as submitted on May 20, 2003, Applicants have amended claim 24, as discussed above, to clarify that the cooling step includes feeding the solution into a vessel, where the vessel is at a preset temperature for crystallization of the L-aspartic acid. As amended, it is submitted that the claim would be clear to one of skill in the art, especially when read in light of the specification, at page 20, lines 19-24.

Additionally, claim 25 is alleged to be vague, indefinite and confusing for use of the term "the temperature of the suspension containing..." Applicants assert that this language would be clear to one of skill in the art as indicating that the temperature, at the completion of crystallization and at the time of separation is 25 to 100°C. In order to clarify the relationship of this temperature to the temperature in the method of claim 24, Applicants have amended claim 25 to read "the suspension containing L-aspartic acid is at a temperature of from 25 to 100°C when the L-aspartic acid crystals are separated therefrom." With reference to claim 24, from which claim 25 depends, the language of this claim is definite. "[t]he suspension containing L-aspartic acid" is obtained at the end of the cooling step in claim 24. In the next step, the L-aspartic acid crystals generated during cooling are separated from the suspension containing L-aspartic acid. Therefore, it would be clear to one of skill in the art that the preadjusted temperature in claim 24 and the temperature of the solution in claim 25 are related in that the vessel is at a preadjusted temperature, the solution is added, the solution cools and by the time the solution is separated, it has reached the temperature of claim 25. Therefore claims 24-32

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meet the definiteness requirement of 35 U.S.C. §112, second paragraph. Accordingly, the removal of the rejection is requested.

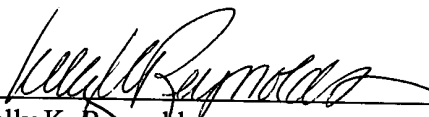
CONCLUSION

In summary, for the reasons set forth herein, Applicants maintain that claims 21-32 clearly and patentably define the invention, respectfully request that the Examiner reconsider the various grounds set forth in the Office Action, and respectfully request the allowance of the claims which are now pending.

If the Examiner would like to discuss any of the issues raised in the Office Action, Applicant's representative can be reached at (858) 677-1456. Please charge any additional fees, or make any credits, to Deposit Account No. 50-1355.

Respectfully submitted,

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